

JOHN DOE, JOHN DOE, SR., : IN THE UNITED STATES DISTRICT
and JANE DOE, :
Plaintiffs : FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

VS :

FATHER ERIC ENSEY, FATHER : CIVIL ACTION - LAW
CARLOS URRUTIGOITY, DIOCESE
OF SCRANTON, BISHOP C. :
TIMLIN, THE SOCIETY OF ST.
JOHN, THE PRIESTLY :
FRATERNITY OF ST. PETER,
and ST. GREGORY'S ACADEMY, :

Defendants : No. 2000-CIVIL-2961

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TRANSCRIPT OF DEPOSITION of JOSEPH

SCIAMBRA, as taken on behalf of the PLAINTIFFS, pursuant
notice, before Gloria Anzalone, a certified shorthand
reporter in and for the County of Lackawanna, Commonwealth
of Pennsylvania, at The Video-Conferencing Facility at
Marywood University, 2300 Adams Avenue, Scranton, PA
18503, on the 12th day of November, 2003, commencing at
12:31 p.m. and concluding at 2:36 p.m., of said day.



1 at the Society of Saint John?

2 A Yes.

3 Q And when were you a postulant?

4 A January of 2000 to about September of
5 2000.

6 Q And what is a postulant?

7 A I don't know, I don't really know. I
8 guess it's like an aspiring.

9 Q Were you at one time desirous of
10 potentially joining the Society?

11 A Yes, I was.

12 Q And becoming a Roman Catholic priest?

13 A Yes.

14 Q When you were at the Society, where did
15 you reside?

16 A For most of the time I was living in a
17 trailer about a mile away from the main house.

18 Q And were there other places that you
19 lived during other portions of time?

20 A Just for a few nights.

21 Q Did you receive, I don't know whether
22 you'd call it seminary training or formation training
23 of the Society?

24 A No, no.

25 Q What exactly did you receive as part of

1 Urrutigoity in his underclothes?

2 A Are you referring to No. 1?

3 Q Yes.

4 A Well, in that one I wrote, I see
5 several young men leaving Father Carlos Urrutigoity's
6 room dressed in their underclothes.

7 Q Now do you have an independent
8 recollection of this incident at the present time?

9 A I do, yes.

10 Q Now with regard to No. 2, did you
11 confront Father Urrutigoity about the sleeping
12 arrangements in question?

13 A No. There I was asking one of the
14 young men who spent the night there where he had
15 slept.

16 Q And do you remember the name of the
17 young man?

18 A No, I don't. I didn't know him.

19 Q What did he tell you?

20 A He told me that, that he slept with
21 Father U.

22 MR. COGNETTI: I object to the
23 method of this questioning. We can't
24 determine whether he's testifying from his
25 own recollection or he's reading the

1 set up the coffee machine for after mass. And on
2 those two occasions that I remember there were
3 several young men spending the night there in the
4 house. And I went to go and wake them up and I
5 remember on two occasions that there was someone that
6 had slept in Father U's room because they were
7 getting up and coming out of his room.

8 Q Okay. Are you familiar with an
9 incident where there was a camping trip on a top of a
10 mountain at the Shohola property where students were
11 there?

12 A Yes.

13 Q And what do you recall about that
14 camping trip?

15 A Some parents had dropped off some
16 students from Saint Gregory's and they were spending
17 the night there on the property up on the mountain
18 they would call it, and Father U had mentioned that
19 night that he was going to go there and spend the
20 night with them up there. I remember because it was
21 a chilly night and the next day when I saw Father
22 Urrutigoity I asked him if it was, it had been cold
23 that night, and he told me that it had not because he
24 had shared a sleeping bag with one of the boys. I
25 remember that very clearly because I was, it bothered

me a lot when he told me that.

Q Do you know if Father Urrutigoity encouraged young men to sleep in the same bed with each other?

A They would joke about it and he would, he would make jokes about it with them.

Q Were these young men students at Saint Gregory's Academy?

A No, no, no.

Q Who were they?

A I cannot remember their names.

Q When you say young, what age are you thinking of?

A Nineteen, twenty.

Q And on those occasions, was there a problem with overcrowding at the house?

A No, no.

Q Do you know if alcoholic beverages were provided to minors at the Shohola property by priests of the Society of Saint John?

A Yes.

Q Do you know if Father Urrutigoity knew about this?

A Oh, he certainly did, yes.

Q When you say certainly, why is that?

1 A You want me to answer it?

2 Q Yes. Does this refresh your
3 recollection as to whether young men were intoxicated
4 sleeping in Father Urrutigoity's bedroom?

5 A It does. When I wrote that, when you
6 asked me the other question I was thinking of the
7 specific young man. When I wrote that it was because
8 most of the young men that drank there I would
9 consider were intoxicated and they spent the night in
10 his room because they were -- when I would look up
11 the stairway I would see them coming out of his
12 bedroom.

13 Q You can turn over the chronology now as
14 I proceed to the next question.

15 A You want me to look at page 4?

16 Q No, turn over means just turn it on the
17 other side; flip it over.

18 A Okay (indicated).

19 Q Again, I have to ask you the question
20 to see if you independently recall before, or to
21 determine whether or not you're allowed to look at
22 the document. Did you ever see any young men
23 sleeping in Father Urrutigoity's bed when you were a
24 postulate?

25 A I did.

1 Q Do you remember on how many occasions?

2 A On two occasions.

3 Q And who were these persons, do you
4 recall?

5 A It was John Zozack.

6 Q Both times it was John Zozack?

7 A Yes.

8 Q And was John Zozack a postulant, as
9 well?

10 A Yes.

11 Q And was there overcrowding in the
12 building so there wasn't room for him to sleep
13 anyplace else, do you recall?

14 A No, not at all.

15 Q Was there an occasion where a group of
16 young men from Thomas Aquinas College visited Father
17 Urrutigoity while he was in Napa?

18 A They did, yes.

19 Q Do you recall whether or not you talked
20 to a young man about the sleeping arrangements with
21 Father Urrutigoity?

22 A When I was talking with him, I was
23 talking about the house, and I said something about
24 the room that Father Ensey stayed in and then the
25 loft and how small it was. And then he told me that

1 he and another guy and Father Urrutigoity slept in
2 that loft together.

3 Q Was that a loft in Shohola,
4 Pennsylvania or out in California?

5 A No, this is the one in the Drummond
6 House.

7 Q Do you remember the name of that person
8 that told you that?

9 A I don't.

10 Q And was this in the third week of
11 October of 2000?

12 A Around there, yes.

13 Q Did that person or any other person
14 tell you that lewd remarks were made by Father
15 Urrutigoity while sleeping?

16 A Could you say that again.

17 Q Did that person or any other person
18 tell you that Father Urrutigoity made lewd remarks
19 during the overnight?

20 A I thought they were lewd.

21 Q Do you remember what the words were?

22 A Approximately I do.

23 Q And what were those words?

24 A He told me that during the night Father
25 U said that he was soft and cuddly like a bear and

that the other boy was, he did not like sleeping with him because he was tossed and turned and was rough.

Q Okay.

A And that's what he said.

MR. COGNETTI: I object to the answer and move it be stricken unless we have an identification of who the he is.

BY MR. BENDELL:

Q Was he a person that was a student, do you recall?

A He was going to Thomas Aquinas College at the time, because they drove up from Los Angeles to Napa to see Father U.

Q Did Father Urrutigoity ever ask you to give him a ride to Fairfax, California?

A He did.

Q When was this?

A The date?

Q Well, the month and the year.

A It was in October of 2000.

Q And did you give him the ride?

A I did.

Q And what time, do you remember what time you all arrived there?

A It was about 12:30 at night.

the Society of Saint John?

A I told him I was not returning.

Q Why did you decide not to return?

A It was primarily because I could not imagine returning to this situation. I saw there still continuing with Father Urrutigoity having too close of a relationship with a lot of these young men and it bothered me too much.

Q Did Father Ensey at that time mention any statement that Father Daniel Fullerton had made to him about students at the academy?

A I was, I told him something about young men that were able or could swim nude at the property.

Q And what did he say in response to that?

A He told me that a lot of conservative or traditional Catholics have hang-ups about the body.

Q Did you have a phone call, a phone conversation with Bishop Dougherty in July of 2001?

A That's when I recall that I called him, yes.

Q I'm talking about the first time.

A I remember the first time I called him

1 BY MR. BENDELL:

2 Q Do you know who gave the alcohol to the
3 minors?

4 A Who handed it to them?

5 Q Who provided it? In other words where
6 did it come from?

7 MR. COGNETTI: Object to the form
8 of the question.

9 THE WITNESS: I guess it was
10 provided by the Society of Saint John.

11 BY MR. BENDELL:

12 Q Did you ever talk to Father Daniel
13 Oppenheimer about the decorum at Drummond House?

14 A I did, I met him in Los Angeles, yes.

15 Q And how is it you got to meet Father
16 Oppenheimer? Why was he in California?

17 A A friend of mine that I went to school
18 with as an arbiteen (phonetic) at the abbey in Los
19 Angeles, and after about a month after I had left
20 Pennsylvania I went to go visit him and Father
21 Oppenheimer approached me there. I did not recall
22 meeting him but he said he had met me there in
23 Shohola.

24 Q Now at that time was Father Oppenheimer
25 a member of the Fraternity of Saint Peter?

1 A I think he still was, yes.

2 Q Did he say anything to you about his
3 thoughts of the Society of Saint John?

4 MR. COGNETTI: Object.

5 THE WITNESS: He asked to speak to
6 me. I was leaving that morning, but he
7 asked to speak to me.

8 BY MR. BENDELL:

9 Q And what did he say to you?

10 A I had not mentioned anything about what
11 I had saw with Father U and the young men, that he
12 brought the subject up with me. He told me that he,
13 when he was at Saint Michael's, the parish in
14 Scranton, that he told me that he was aware that when
15 the priests were in residence there at Saint
16 Gregory's that he had heard about problems there.

17 Q What kind of problems?

18 A With the priests and the young boys,
19 the boys.

20 Q Did he get specific about what the
21 problems were?

22 MR. COGNETTI: I object.

23 THE WITNESS: He did, yes.

24 BY MR. BENDELL:

25 Q What did he say?

A Well, that they were of a sexual nature.

MR. BENDELL: I'm checking my notes here.

BY MR. BENDELL:

Q Could you turn to Exhibit 1.

A Yes.

Q And that says, Affidavit of Mr. Joseph Sciambra. Do you see that?

A Yes.

Q And did you author that?

A I did.

Q Let me just take a few minutes here. Turn that over, I'm going to ask you some questions. In the spring and summer of 2000, did you ever see Father Urrutigoity provide alcohol to minors?

A I did.

Q And where was this done?

A It was done at the Drummond House.

Q And were these minors, do you know if they were students of Saint Gregory's Academy?

A They could have been. I knew that they were under 21, a lot of them.

Q During the summer of 2000, did you ever witness young men leaving Father Urrutigoity's

From: Jeffrey M. Bond <jmb3@ltis.net>
To: jmb3@ltis.net <jmb3@ltis.net>
Date: Sunday, April 14, 2002 4:14 PM
Subject: Mr. Joseph Sciambra's Affidavit on the SSJ

AFFIDAVIT OF MR. JOSEPH SCIAMBRA

Former Postulant of the Society of St. John

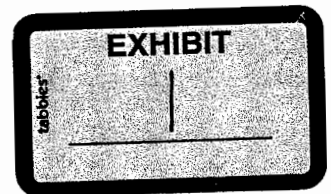
1. I am Joseph Sciambra and if called as a witness, I could and would completely testify to the facts set forth below.
2. During the late spring or early summer of 2000, a group of young men from St. Gregory's Academy, camped-out on the top of the mountain, located on the Society of St. John's property in Shohola, Pennsylvania. Fr. Carlos Urrutigoity spent the night with the young men at their campsite. The next day, when I questioned Fr. Urrutigoity if it was cold during the night, he said "no" because he had shared a sleeping-bag with one of the young men.
3. Several times during the spring and summer of 2000, I witnessed Fr. Urrutigoity providing alcoholic beverages to under-age young men.
4. During the summer of 2000, I witnessed an intoxicated under-age young man leave Fr. Urrutigoity's bedroom the day after Fr. Urrutigoity had provided this minor with large quantities of alcohol. The said minor became extremely ill.
5. During the summer of 2000, I witnessed several young men leaving Fr. Urrutigoity's bedroom dressed in their underclothes.
6. During the summer of 2000, I questioned a young man about where he slept the previous night, he responded, in Fr. Urrutigoity's bed. "Where did Father sleep?" I asked, he responded: that Father also slept in the same bed.
7. I witnessed Fr. Urrutigoity encourage young men to share the same bed.
8. During the second or third week of October 2000, a young man told me that he and another young man had slept with Fr. Urrutigoity in the same bed and that Fr. Urrutigoity made lewd comments during the night.
9. During the second or third week of October 2000, I witnessed a young man cuddling with Fr. Urrutigoity on a bed.

I hereby declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Signed by Joseph Sciambra

Subscribed and sworn to before me, this 10th day of December, 2001.

Witnessed by John Quincy Masteller
Notary Public-California



4/15/02

May 8, 2002

Most Reverend James C. Timlin
Bishop of Scranton
300 Wyoming Ave.
Scranton, PA 18503-1279

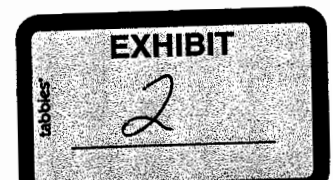
Your Excellency:

I am writing on the behalf of my parents, Carl and Barbara Sciambra, concerning my family's involvement with the Society of St. John. The Society of St. John, a clerical association of the Diocese of Scranton which you gave approval for, and incardinated its priests in your diocese, have caused me and my family great personal heartache and suffering. Although my family and I have opened our hearts and wallets to the members of the Society of St. John, we have been given in return nothing but lies, disrespect and more suffering.

When I first met the priests of the Society of S. John in January of 2000, they gave me a videotape of the ceremony of their incardination into the Diocese of Scranton. On this tape, I saw you giving one of the most glowing endorsements of any priest or religious order I had ever heard from a bishop. Your support of these priests was one of the main reasons I decided to quit my job, leave my home, and move to the Society of St. John's headquarters in Shohola, Pennsylvania. I put a great deal of trust in your judgment. I was not at all a naïve person at the time, but I did implicitly trust priests of the Catholic Church, especially priests who were so favored by their bishop.

But I gradually came to realize that the priests of the Society of St. John were less interested in providing me with spiritual guidance or formation than they were interested in courting large sums of money from my family. But again I always trusted them. Something I think every Catholic should be able to do: trust a priest. They coerced me into asking my parents if they would sign the \$500,000.00 note. They did this by telling me that the former guarantor was "mentally unbalanced," a charge they would later use against me as well. They also said that they were in dire financial straits if they could not find a new guarantor soon. Again, I trusted them, and so did my parents. I had only known these priests for about a week, and my parents less than that. In essence, they took advantage of the good faith of good Catholics.

While I was still living in Shohola, I learned that my parents had purchased a property in Monticello, New York by the request of the Society of St. John. I had visited the property with my parents and Ms. Mary Schwerdt, Fr. Carlos Urrutigoity's personal secretary. In my presence, Fr. Urrutigoity, assured and guaranteed my parents that the new Archbishop of New York, Cardinal Egan, would give his approval for the Society of St. John to live on the property in Monticello. Again, we trusted them. Therefore my parents went ahead with the purchase of the property. When the Cardinal did not give his permission, my parents lost \$22,995.00 when they had to renege on the purchase of the property. Conveniently, at the same time, the owners of a piece of property adjacent to



the Society's headquarters in Shohola became interested in selling. Ms. Schwerdt also informed my parents of this new development. She told me that the purchase of the property was absolutely vital to the future development of the Society's own property. She promised me and my parents that the Society of St. John would re-pay my family the money that had been lost in the Monticello deal, and if they bought the property in Shohola; the Society would buy back the Shohola property from them in the near future. Again, we trusted them.

During many of these financial negotiations, I was becoming more and more disturbed by the actions of Fr. Urrutigoity and the inaction of the other priests of the Society. Over the summer of 2000, I saw Fr. Urrutigoity, take incredible advantage of young men, often-intoxicated young men, who apparently admired and trusted him greatly. I told Fr. Eric Ensey in November of 2000 what I had observed concerning Fr. Urrutigoity and his penchant for luring young men to his bedroom. To my great consternation, Fr. Ensey was not at all concerned. I will not go over all of the details again because I have made my observations very plain to Bishop Dougherty in our two lengthy telephone conversations in 2001.

Soon after returning home to California, I informed my parents of what I saw in Shohola concerning Fr. Urrutigoity's behavior, and in January of 2001, they began formal actions to have their name removed as the guarantor on the \$500,000.00 note. It was not until November of 2001 that their names were finally removed. During that strenuous 10 months, members of the Society of St. John repeatedly lied to me and my parents concerning the date of their removal from the note. The date promised would come and go with nothing but excuses coming from the Society. In addition, my mother asked Fr. Urrutigoity, in October of 2001, for the Society to vacate the Shohola home located on the property owned by my parents. When they refused to comply, an eviction notice was sent to the Society from California. They again refused to comply, which lead to my parents having to hire a lawyer in Pennsylvania to begin the eviction proceedings under Pennsylvania law. Because the priests of the Society of St. John refused to leave the property when my parents requested, (I was present during the phone conversation between Fr. Urrutigoity and my mother when she asked them to leave the property), my parents incurred a bill of over \$2,500.00 from the lawyer in Pennsylvania who oversaw the eviction. The great pain and suffering all of this caused me was indescribable.

Because my parents still own the property in Shohola, they continue to pay interest on the loan that enabled them to purchase the property. Also, the real-estate agent that now has the listing for the property says that it would be impossible to sell the property at the price they paid for it. Again, my parents trusted the priests of the Society of St. John when they convinced my father and mother to buy the Shohola property. They never guessed that they were buying a piece of property that was actually worth about half of what they paid for it.

In closing, I would like to tell you that my father and mother have worked very hard all of their lives. My father came to this country with the shirt on his back and not much else. What he earned he worked for, nothing was given to him. What the priests of the Society of St. John did was to abuse in the worst way the trust that has been instilled in the sacred honor of the priesthood. I told Fr. Ensey: you may one-day build the "Catholic-village" of your dreams, but the end will never justify the means. I can not tell

you how my experience with the Society of St. John has shaken my faith to the very core, but I forgive them.

Bishop Timlin, now is the time for you to at least try to rectify the horrible situation that was set into motion when you incardinated these priests into your diocese. My parents would like to be financially compensated for their loses. This includes the money lost in the Monticello deal and the Shohola property, which the Society never bought back, and the various lawyers' fees.

Sincerely:



Joseph Sciambra



Barbara Sciambra

Barbara Sciambra
3367 Atlas Peak Rd
Napa, CA 94558

June 10, 2002

Most Reverend James C. Timlin
Bishop of Scranton
300 Wyoming Ave.
Scranton, PA 18503-1279

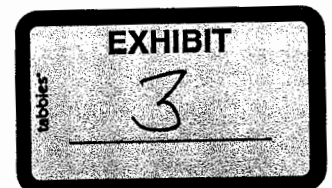
Your Excellency:

Thank you for your letter dated May 30, 2002. At first I was not going to ever write to you again, however, my feelings are now that you still have not understood what we were trying to say, and so I will try again to speak to you about the Society of St. John. So to speak, they are the tip of the iceberg. Underneath is the Church that made them what they are; the Church that let them do the things they did; the Church that continues to let them be in business. I use that word "business" literally. They (the Society of St. John) are in the business of raising money and recklessly spending it: on what? Furniture – the \$25,000.00 check we donated would have paid for their dinning-room table. My husband and I – throughout our entire house, do not have \$25,000.00 in furnishings. My husband and I gave what we gave and did what we did for the Society because of our blind and total trust in our Church and the priesthood.

The Society did not give it a second thought as to the thousands of dollars we were to lose because they pulled out of the purchase of the home in Monticello and they knew we were paying double what the property in Shohola was worth. In addition, we also have a friend who is a widow who gave \$2,000.00 to the Society that left her with no savings. She gave the money because she thought that she was contributing money for the education of new priests. When I became aware of the money they used to buy new furniture, it made me sad, angry and disgusted. The widow I just mentioned lives very modestly in a trailer. How different her life is from these priests.

Our son came home after eight months with the Society – physically ill, discouraged, hardly a life of prayers left. It took months for healing on his part and finally he would begin to speak of the events that took place at the Society. We were shocked. It took some time for us to deal with it all. It does take time to deal with things that just don't seem possible – when it comes from Our Holy Church. When a young man visiting our home told us Fr. Urrutiogoity "slept with me and another boy," in Fr. Ensey's loft and "...he said, I was soft like a teddy bear." This young man further said that Fr. Urrutiogity had names for all the young men he slept with.

I have had many sorrowful thoughts about my dealings with the Society and about other people who were similarly hurt: we all placed great hope in them, for one reason or another. But why does this situation have to continue? How many more widows will have their hard-earned money taken away from them and wasted? Unfortunately, many people continue to give to the Society because they believe what they read in the slick mailings of the Society that touts their fantasies of a Catholic village on a mountain. Although they have collected millions of dollars from duped Catholics, why has there not been a single building built on their property?



I have been in business for 30 years and have taken care of the financial affairs of three different businesses; therefore, I know what it is to handle money responsibly. In addition, I took care of my aunt's estate for 10 years. I had to account for every nickel that was spent. The Society should equally have to be accountable to their benefactors for the money that was entrusted to them. Money was given for future seminarians, tens of thousands of dollars from our own friends here in Napa, yet Fr. Fullerton asked us for another donation because they had no money to buy beds and blankets for the seminarians.

I believe the Church can begin to heal if public apologies are given for all of the mistakes that have been made by the Bishops. The mistakes and problems of the priests today are the result of poor leadership from the American Catholic Bishops.

There has been great damage done by the Society of St. John and I pray you will be able to do what is right to correct this grievous situation.

Sincerely:


Barbara Sciambra

cc Bishop John M. Dougherty

Joseph Sciambra
Chronology:

October – November 1999: first series of contacts with the Society of St. John. I talk on the phone with Fr. Eric Ensey, and Deacon Richard Munkelt.

January 2000: visit the Society of St. John in Shohola, PA for approximately 6 days.

February 2000: Frs. Ensey and Daniel Fullerton visit my family in Napa, California. They ask my parents to sign a loan guarantee. I fly with Frs. Ensey and Fullerton to Providence, RI. We then drive to Shohola.

March 2000: a.) I ask Fr. Ensey for help because I am seriously disturbed by the lack of religious decorum present in the main house (Drummond House.) I mention the presence of an attractive young female, in a cramped house that lacks almost basic privacy, with several young priests and myself. He says that there is nothing that he can do to help me. b.) I ask Fr. Urrutigoity for advice with regards to my concerns over possible scandal because of the careless attitude in the main house. I specifically mention the lack of privacy and the mixed company present all-hours in the house. He says that I am over-reacting and that I am the type of person who will always be unhappy. He also says that he is not concerned about scandal. He states, "I welcome scandal."

April 2000: a.) I drive Frs. Ensey and Fullerton to the Philadelphia Airport. I again state that I am unhappy with the lack of prudence exhibited at the Shohola property (see March 2000: a and b.) They both say nothing. b.) At Fontgombault, France, I again talk with Fr. Ensey (see March 2000: a and b.)

Spring and Summer 2000: I begin to witness strange relations between Fr. Urrutigoity and several young men. See attached.

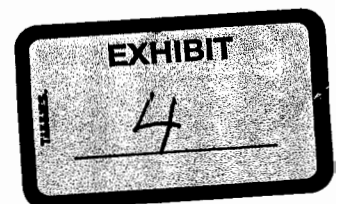
August 2000: Society of St. John members organize a large party attended by several minors in which large amounts of alcohol are consumed by minors. During the majority of the party I am not present. I had previously asked Joseph Mioni if I could spend the evening with him and his family so as to avoid being present at this party.

September 2000: I spend a portion of this month in New York City at the home of my aunt.

Late September 2000: I leave Shohola and return to California.

October 2000: Fr. Urrutigoity visits my family home. I witness Fr. Urrutigoity's continued indiscretions. See attached.

November 2000: a.) I inform Fr. Ensey that I am not returning to Shohola and I state the reasons why: Fr. Urrutigoity's behavior with young men. b.) I discuss with Fr. Daniel



Oppenheimer what I witnessed concerning Fr. Urrutigoity's relations with young men. He encourages me to contact Bishop James Timlin.

January 2001: I discuss with Fr. John Berg what I witnessed concerning Fr. Urrutigoity's relationships with young men. He tells me that other members of the Fraternity of St. Peter were aware of similar problems concerning the Society of St. John while they were chaplains at St. Gregory's Academy.

July – November 2001: I have several conversations with Bishop John Dougherty regarding the behavior of Fr. Urrutigoity. See attached.

August 2001: I have dinner with Fr. Ensey in California and I discuss Fr. Urrutigoity's behavior. I urge him to leave the Society of St. John.

September 2001: a.) I call Fr. Ensey in Shohola. I make the request that the Society of St. John no longer solicit donations from my friends. b.) a letter is sent from Dominic Sposeto, my legal representative, to the Society of St. John and Bishop Dougherty, requesting that my family be relieved of all financial obligations to the Society because of Fr. Urrutigoity's abhorrent behavior.

November 2001: I call Fr. Urrutigoity to request that members of the Society of St. John discontinue calling my family. I tell him that Fr. Fullerton is attempting to negotiate a real-estate sale with my family when he knows that the property in question is listed with an agent. He refuses to honor my request.

Most incidents, as I can recall to the best of my knowledge, occurred during the Spring and Summer of 2000:

1. Returning to the main house, the priest's living quarters, early in the morning, I see several young men leaving Fr. Carlos Urrutigoity's room dressed in their underclothes.
2. I question a young man about where he slept the previous night, he responds: in Fr. Urrutigoity's bed. "Where did Father sleep?" I ask, he responds: that Father also slept in the same bed. (Note: this "bed" is a small sleeping-bag size mattress.)
3. The above two incidents also occur on other occasions, i.e. other young men sleeping in Father's room and a young man telling me where he slept the night before. The exact date and the names of those young men involved I cannot recall or I never knew their names to begin with.
4. A group of young men, from St. Gregory's Academy, camp-out on the top of the mountain, located on the Society of St. John's Shohola property. Fr. Urrutigoity spends the night with the young men at their campsite. When I question Fr. Urrutigoity if it was cold during the night, he says "no" because he had shared a sleeping-bag with one of the young men.

5. Young men are encouraged by Fr. Urrutigoity to sleep in the same bed with each other, even when sleeping separately is more convenient. On several occasions, three young men sleep in the same single bed. (At none of the above mentioned times was overcrowding a problem the house.)

6. Alcoholic beverages in the form of beer and wine are provided to minor young men at the request and encouragement of Fr. Urrutigoity.

7. On another occasion, one young man becomes so intoxicated, that the following morning he is unable to attend mass.

8. Young men who are intoxicated spend the night in Fr. Urrutigoity's bedroom.

9. After Fr. Urrutigoity and a novice spend the night in his bedroom, I enter the bedroom in the morning. Having seen Fr. Urrutigoity that day, I enter the room without knocking (to either clean or use the fax-machine) believing that no one is still present. One two occasions I found the said novice sleeping in Fr. Urrutigoity's bed.

10. The following incident occurred during the second or third week of October 2000: a group of young men from Thomas Aquinas College visit with Fr. Urrutigoity while he is staying at my family home in Napa. One young man tells me that he and another young man slept in a small single bed with Fr. Urrutigoity. During the night, Fr. Urrutigoity made lewd remarks concerning the two young men. Fr. Urrutigoity said that he enjoyed sleeping with the one young man more than the other because he was softer and gentler while the other was too rough. (I cannot recall if these were the young man's exact words, but they are a close approximation.)

11. This incident also occurred during the second or third week of October 2000: Fr. Urrutigoity asks me if I would drive him to Fairfax, California (about 35 miles from Napa) so he can further visit with the young men from Thomas Aquinas College. We arrive at approximately 12:30 am. I stay for a few minutes. Since I was familiar with the house, because I had spent a night there earlier in the year, I go to look for Fr. Urrutigoity in order to tell him that I am leaving. I proceed downstairs, I knock on the guest bedroom door, and Fr. Urrutigoity answers "yes." When I enter the room, I see Fr. Urrutigoity lying on a small single bed with a young man. When Fr. Urrutigoity recognizes my voice, he jumps up, begins to fix his cassock, and looks at me. I could tell by the expression on the face that he was surprised and embarrassed. I quickly leave the room and return home. He spends the night in Fairfax.

Other incidents related to the above:

1. I have a conversation with Fr. Urrutigoity in March of 2000 concerning some of the possible moral problems taking place in the Society of St. John. At the time, I am primarily concerned that a 19-year-old girl was working in the priest's living quarters,

which were cramped and afforded very little privacy. I ask him if he is concerned about possible scandal. He says, and I quote, "I welcome scandal."

2. During November of 2000, I call Fr. Eric Ensey to inform him that I will not be returning to the Society of St. John. I describe some of the objectionable actions of Fr. Urrutigoity that I had witnessed. He confirms that Fr. Daniel Fullerton had made the following (just prior to relocating to Shohola) remark to students at St. Gregory's Academy: that if they (the students) wanted to come to their new property and swim, they could do so, and they did not have to wear swimming-suits. He then states that "many traditional Catholics have problems or 'hangs-ups' with the body." I take great umbrage with his interpretation of this incident.

Phone conversations with Bishop Dougherty:

First conversation with Bishop Dougherty:

I called in late July 2001; the Bishop told me that it would be difficult to talk with me on this particular day because it is the 50th anniversary of Bishop Timlin's ordination to the priesthood. I told him of the various incidents involving Fr. Carlos Urrutigoity and young male guests at the Shohola property that I had observed. I also told him of the incidents which occurred in California. At the end of the conversation, we arranged to talk again later that same day. During the second conversation, I further describe what I saw at the Shohola property involving Fr. Urrutigoity's distribution of alcohol to minors and his relationships with young men. I further relay to the Bishop stories, which I had been told by others, that described possible abuses originating from the time the Society of St. John was assigned as chaplains of St. Gregory's Academy. Finally I mention the discussion I had with Fr. Eric Ensey in November 2000 about Fr. Urrutigoity's behavior. I also emphasize the desire for my family to be relieved of all financial obligations connected with the Society of St. John because of Fr. Urrutigoity's abhorrent behavior. Both conversations total approximately one hour.

Second conversation with Bishop Dougherty:

This conversation took place approximately two weeks after the first conversation. Bishop Dougherty explains that as a result of our first conversation, he contacted members of the Society of St. John and requested that they draw up rules governing their contact with youths, and how and where they are to hear confessions from those youths. He says that members of the Society signed those rules that governed their behavior. He also states that all members of the Society of St. John are forbidden at St. Gregory's Academy and that the students of the Academy are not allowed on the Shohola property. Bishop Dougherty states that he believes the priests of the Society of St. John to be "naive" and lacking "street-smarts." He does not feel that they have "broken the 6th or 7th Commandments." He also states that he was not aware of any other accusations made against Fr. Urrutigoity. He also states that no young man, to his knowledge, has claimed to have had sexual relations with Fr. Urrutigoity. During the course of this conversation, I

inform the Bishop about semi-pornographic photographs of young men dressed in they're briefs that I saw in the possession of the priests of the Society of St. John. I tell the Bishop that these photographs were of students from St. Gregory's Academy. I again request that the Bishop take some action to relieve my family of their finical obligations concerning the Society of St. John. This conversation lasted for approximately one hour.

Third conversation with Bishop Dougherty:

This conversation took place in mid-September 2001. I tell the Bishop that I am in consultation with a lawyer (Dominic Sposeto) and that the lawyer feels the abuses committed by the Society of St. John require action by the diocese concerning my family's financial ties to the Society of St. John. I inform the Bishop that a letter from my lawyer will be sent to him and the Society of St. John. I inform him that I have heard of a possible molestation case against Fr. Urrutigoity and that this concerns me because of a possible lawsuit that might adversely affect my family financially. He tells me that he is unaware of any such case. This conversation lasted for approximately 15 minutes.

Fourth conversation with Bishop Dougherty:

About one week after our third conversation Bishop Dougherty calls me to say that he received the letter from my lawyer, but that the diocese is already in the process of relieving my family of the loan guarantee. This conversation lasted approximately 5-10 minutes.

Fifth conversation with Bishop Dougherty:

During the first week of November 2001, I call to ask Bishop Dougherty if the diocese is still taking over the loan guarantee. He tells me that the diocese is not taking over the loan guarantee because the Society of St. John has found another guarantor who will take over the loan. This conversation lasted approximately 5-10 minutes.

JOHN DOE, JOHN DOE, SR., : IN THE UNITED STATES DISTRICT
and JANE DOE, :
Plaintiffs : FOR THE MIDDLE DISTRICT OF PA

vs :

FATHER ERIC ENSEY, FATHER : CIVIL ACTION - LAW
CARLOS URRUTIGOITY, DIOCESE :
OF SCRANTON, BISHOP C. :
TIMLIN, THE SOCIETY OF ST. :
JOHN, THE PRIESTLY :
FRATERNITY OF ST. PETER, :
and ST. GREGORY'S ACADEMY. :

Defendants : No. 2000-CIVIL-2961

TRANSCRIPT OF DEPOSITION OF PAUL T. HORNAK, as taken
on behalf of the PLAINTIFFS, pursuant to notice, before
Gloria Anzalone, a certified shorthand reporter in and for
the County of Lackawanna, Commonwealth of Pennsylvania, at
The Video-Conferencing Facility at Marywood University,
2390 Adams Avenue, Scranton, PA 18503, on the 11th day of
November, 2003, commencing at 2:03 p.m. and concluding at
2:56 p.m., of said day.

1

APPEARANCES:

FOR THE PLAINTIFFS: JAMES BENDELL, ESQUIRE
FOR DEFENDANTS ENSEY: SAL COGNETTI, ESQUIRE
AND URRUTIGOITY/
SOCIETY OF ST. JOHN

FOR DEFENDANTS:
DIOCESE OF SCRANTON/ JAMES O'BRIEN, ESQUIRE
BISHOP TIMLIN

FOR DEFENDANTS: JOSEPH LEESON, ESQUIRE
FRATERNITY OF ST. JOSEPH GAUGHAN, ESQUIRE
PETER/ST. GREGORY'S
ACADEMY

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EXHIBIT

tabbies

GG

2

STIPULATION

It is hereby stipulated by and between counsel
for the respective parties that reading, signing, sealing,
certification and filing are not waived.

It is further stipulated by and between counsel
for the respective parties that all objections, except to
the form of the questions, are reserved to the time of
trial.

MR. BENDELL: Mr. Hornak, what's going
to happen is some of the other attorneys object
procedurally to the format of the deposition.
So those objections are put in the record,
those are not for you to respond to, that's
something the judge worries about at trial. So
after that happens then the court reporter will
put you under oath and then we'll begin the
deposition. So when you hear the attorneys
arguing back and forth, don't be concerned,
that's kind of normal. With that, is everybody
ready to begin?

MR. JAMES O'BRIEN: Yes.

MR. COGNETTI: Yes.

MR. BENDELL: So if the conference
operator could begin the tape. Now before we

3

begin argument of counsel, the conference
operator is going to put the requirements on
the record of this video deposition.

THE VIDEOGRAPHER: My name is Cathy
Lewis, I work for Marywood University. This
deposition is taking place at Marywood
University in Scranton, Pennsylvania. The date
is November 11, 2003; the time is 2:08 p.m.
The case is John Doe v. Diocese of Scranton, et
al. The witness is Paul Hornak and the
deposition is taken on behalf of the Plaintiff.

MR. BENDELL: And now the defense
attorneys would like to place certain
objections on the record.

MR. COGNETTI: My name is Sal
Cognetti, I represent the Society of Saint
John's and Father Urrutigoity and Father Ensey.
I don't think it's necessary for me to recite
in detail my objections. I would like my
objections to the other video depositions to be
incorporated hereby referenced.

MR. BENDELL: And I'll stipulate to
that.

MR. COGNETTI: So I don't have to
repeat them again.

4

1 MR. BENDELL: That's fine with me. Is
2 everybody agreeable to --
3 MR. O'BRIEN: We would take the same
4 position in ours, too.
5 MR. BENDELL: Okay.
6 MR. LEESON: And also the same
7 position for the Priestly Fraternity of Saint
8 Peter and Saint Gregory's Academy.
9 MR. BENDELL: Okay. I think we're
10 ready to proceed. Madam court reporter.
11 MR. COGNETTI: No, no, we still have
12 our offer of proof. Because we are confused
13 because of the confusion and the notice caused
14 by the deposition notices, we would like an
15 offer of proof from you on the record as to
16 what you intend to obtain that is relevant for
17 a trial from this witness.
18 MR. BENDELL: Well, again, the offer
19 of proof is not necessary because on Monday I
20 made it clear that I would only use this as a
21 discovery deposition pursuant to the rules.
22 Nevertheless, the offer of proof, if one was
23 necessary, would be Exhibits 1 and 2, and
24 that's what I'm going to ask the witness about.
25 MR. COGNETTI: And for the record we

5

1 object because we do not think that's
2 sufficient for a trial deposition.
3 MR. BENDELL: Okay. Madam, court
4 reporter.
5
6 PAUL T. HORNAK, called as a witness, having
7 been first duly sworn, was examined and testified
8 as follows:
9 EXAMINATION
10 BY MR. BENDELL:
11 Q Mr. Hornak, where do you currently reside?
12 A I live in Watertown, New York.
13 Q And at one time did you work for the
14 Fraternal Society of Saint Peter?
15 A The Priestly Fraternity of Saint Peter,
16 yes.
17 Q And what years did you work for the
18 Fraternity?
19 A 1996 through '99 school years.
20 Q And what was your job?
21 A I was a teacher and director of
22 development.
23 Q What subjects did you teach?
24 A I taught senior rhetoric and sophomore
25 world history.

6

1 Q What is your own educational
2 background?
3 A I have a bachelor's in journalism from
4 Syracuse University and a master's in English
5 literature from Rutgers University.
6 Q Now I'd like you to examine Exhibit 1.
7 Exhibit 1 as I understand you faxed to my office the
8 other day, is that correct?
9 A That's correct.
10 Q And Exhibit 1 it says at the top
11 statement. Do you recognize that statement?
12 A Yes, I do.
13 Q And did you author that statement?
14 A I did.
15 Q And is that your signature that appears
16 on page 3?
17 A Yes, it is.
18 Q And you signed it before a notary
19 public, is that correct?
20 A That's correct.
21 Q And who requested you to make this
22 statement?
23 A Dr. Jeffrey Bond.
24 Q Now I'm going to refer you to page 2;
25 it talks about a camping trip in 1999. Now

7

1 technically under the law the statement itself,
2 although it's important, is hearsay, so I need to
3 sort of go through all this again to have you testify
4 to it, so I apologize if it appears tedious. Did you
5 attend a camping trip in February of 1999 with the
6 students of Saint Gregory's Academy?
7 A A senior class, yes, I did.
8 Q And where did that camping trip, where
9 did they go? Where did you go on that trip?
10 A We took a fifty-mile hike along the
11 Appalachian Trail which borders Pennsylvania and New
12 Jersey.
13 Q And did any other adults go on the trip
14 besides yourself?
15 A Yes, there were two, Luke Culley and
16 Fred Fraser.
17 Q And were there any priests in addition
18 to that?
19 A Yes, Father Carlos Urrutigoity.
20 Q How many miles did you hike
21 approximately?
22 A About fifty miles.
23 Q Did Father Urrutigoity provide any
24 tobacco to the boys on that trip?
25 MR. COGNETTI: I object, leading.

8

1 A I don't remember specifics but I do
 2 recall on the following morning them mentioning that
 3 they had been in the same sleeping bag together.
 4 They all enjoyed it quite a lot. They thought it was
 5 kind of remarkable and fun.

6 Q And you said that Father Urrutigoity
 7 said something to you about it, also?

8 A He said it before everyone, that's how
 9 he said it to me.

10 Q What did he say?

11 A At the time that I made the statement a
 12 little over a year ago, my memory was deficient. It
 13 is more deficient now; I am not going to go into
 14 details. What's in the statement stands. They were
 15 in the sleeping bag together, they joked about it
 16 before everybody and the two boys seemed kind of
 17 proud of it.

18 Q And when you said they joked about it,
 19 does they include Father Urrutigoity?

20 A The three of them together before
 21 everyone at the campfire, yes, in the morning.

22 Q So it would be Father Urrutigoity plus
 23 two boys?

24 A That's right.

25 Q Did you relate this incident, that is

13

the incident involving the sleeping bags, the wine
 2 and the cigars, did you relate this to anybody at the
 3 Saint Gregory's Academy?

4 A Yes, to Alan Hicks, the headmaster. It
 5 should be mentioned sacramental wine is what we're
 6 talking about, not just any wine.

7 Q Sacramental wine, I'm sorry. And you
 8 mentioned it to Mr. Hicks?

9 A I did.

10 Q And what was his response?

11 A A general stiffness and unease. He
 12 said he would speak to father about it, Father
 13 Urrutigoity about it.

14 Q Now would you turn to Exhibit 2,
 15 please. That would be the letter from Father
 16 Urrutigoity to yourself, is that correct?

17 A That's right.

18 Q Where it says Paul, that's you,
 19 yourself, Paul Hornak?

20 A Yes, sir.

21 Q And this is a letter from Father
 22 Urrutigoity to yourself?

23 A Yes, it is.

24 Q Did you receive that -- it says
 25 February 18, 1999. Is that when you received it?

14

1 A I did.

2 Q Okay. While you were at Saint
 3 Gregory's Academy, did you hear conversations from
 4 students about bed sharing between boys of Saint
 5 Gregory's Academy and any of the priests of the
 6 Society of Saint John?

7 A Yes, I did, frequently.

8 Q And which priests did that involve, do
 9 you know?

10 A I can't say specifically, no.

11 Q Did you hear discussions from boys
 12 about drinking and smoking in the presence of Society
 13 priests?

14 A Yes.

15 Q And was that frequently?

16 A It was frequently.

17 Q Drawing your attention to page 3 of
 18 your statement, did you inform Father Devillers of
 19 the reasons that you decided to resign from the
 20 school?

21 A Yes, sir, I did.

22 Q What did you tell Father Devillers?

23 A Well, as I mentioned in the statement I
 24 strongly believe that the Society of Saint John had
 25 engaged Saint Gregory's boys in near homosexual

15

1 activity throughout the term of their stay at school.

2 Q And how did Father Devillers respond to
 3 you?

4 A Well, he wasn't anywhere near shocked
 5 as I thought he might be. He said that the Society
 6 of Saint John would change its ways when it was
 7 forced to fend for itself; that is, get away from the
 8 confines of the school and go it alone. And he also
 9 mentioned that it was his belief that perhaps some of
 10 the things the Society did was intended to win the
 11 favor of the boys so as to bring them closer to God.

12 MR. BENDELL: Now, Mr. Hornak, I
 13 have no further questions but the other
 14 attorneys do, and there's the attorney for
 15 the Society of Saint John, the two priests,
 16 the Diocese of Scranton and the Fraternity.
 17 So you'll probably be questioned by three
 18 attorneys who I'll turn it over to now.

19 EXAMINATION

20 BY MR. COGNETTI:

21 Q Mr. Hornak, how old are you?

22 A I'm fifty-one.

23 Q Are you married?

24 A No.

25 Q Have you ever been married?

16